



## Missouri Department of Natural Resources

### TMDL Policy Advisory Committee Meeting Minutes from September 18, 2001

#### Draft 303(d) List & Summary of Public Meetings – John Ford

The revised 303d list was originally due on April 1, 2002. The draft list has been through Public Notice. The Listing Methodology document defines how water quality data is used to make decisions regarding impairment. Five public meetings have been held regarding the draft list. The hearing scheduled in Jefferson City for Sept. 11 was canceled and will be rescheduled.

The 1998 list of impaired waters had 174 listings. 267 waters are on the new list, including 26 proposed deletions. 13 of these are point sources where the department can mitigate the problems via the existing authority in the NPDES permit program. Nine deletions are for drinking water reservoirs that are now in compliance with water quality standards.

There are currently 78 waters proposed for addition to the 2002 303(d) list. 37 of these new listings are for waters with elevated levels of mercury. 17 are urban streams with elevated levels of PAH (all in the St. Louis area). Other new listings include 13 point source discharges that need an amended permit, four segments affected by fecal coliform and three public drinking water reservoirs that have long term average herbicide levels above water quality standards. Other new listings include two waterbodies for habitat impairment, one for nutrients, one due to impact from a CAFO & one listed for toxicity from an unknown source.

Public meetings regarding the 303(d) list were held in Springfield, Poplar Bluff, Kansas City, St. Charles & Macon. Most meetings were lightly attended. Questions were often related to listing of waters for mercury, wanting to know why this was done, etc. The fifth public meeting was in St. Charles and about 50 people attended. Most were interested in protection of Peruque Creek. Some wanted it designated metropolitan no discharge stream that would eliminate wastewater discharges upstream of Lake St. Louis. Others were concerned about the sedimentation problems or bacterial contamination in the watershed.

#### Shoal Creek

It is listed for fecal coliform impairment from unknown agriculture sources. There are studies going on that include ribotyping for source tracking. EPA Region 7 is trying to come up with money to support more research by MU on source tracking methods.

#### Handout: Press release on the final July 2000 TMDL Rule

Christie Whitman asked the courts for a delay on implementation of the rule that was to go into effect in October 2001. They were granted an 18 month delay, putting the rule off until 4/03. They also delayed the date for submission of the 2002 303 (d) list from April 1 to Oct. 1.

EPA is holding 5 listening sessions for public input into the TMDL rule.

-10/22 & 23 (Chicago)	TMDL Implementation & NPS Issues
-11/1/ & 2 (San Francisco)	TMDLs Scope & Content
-11/7 & 8 (Atlanta)	USEPAs oversight in backstopping
-11/15 & 16 (Oklahoma City)	The Listing Process
-Week of 12/10 (Washington D.C.)	All Issues

#### Handout - EPA new methodology for doing 303(d) list

EPA wants to combine the 305(b) report & 303(d) list into one document. The 305(b) report is currently required every two years and is a report on the health of all waters of the state. The information from all 50 states is compiled for Congress. The new methodology would greatly change the appearance of the 303(d) list, as waters could be placed in one of five categories and that might result in some waters being de-listed. EPA is encouraging, and many states have adopted, a rotating basin monitoring cycle. This would entail every watershed being monitored once every 3-5 years. Region 7 has a team put together that is going to be evaluating each state's monitoring program. To date, Nebraska is the only one in Region 7 who has been through this evaluation process. EPA is trying to make the listing process more logical and ensure less arbitrary decision-making regarding what waters are listed.

EPA will be scrutinizing the 2002 303d lists. A conference call with EPA was held on the de-listing process. Current guidance states 3 reasons for de-listing:

- Data shows impairment no longer exists (The atrazine impaired reservoirs are an example)
- Waterbody will meet standards by next listing process
- Waterbody listed in error, i.e., data used for listing was inaccurate.

#### Missouri's TMDL Lawsuits

Both the state & federal lawsuits were appealed about a month ago. The issues are the same (listing of Big Rivers and the listing process). Several states have their listing process set by rulemaking. That has been discussed as a possibility in Missouri.

DNR's reorganization:

Division of Parks

Doug Eiken, Dir.

Division of Administrative Support

Gary Heimericks, Dir.

Division of Geological Survey & Resource Assessment

Mimi Garstang, Dir.

Div. of Air & Land Protection Division (Air, Solid Waste, Hazardous Waste, Land Reclamation, ESP)

John Young, Dir.

Dan Schuette, Deputy Dir.

Division of Water Protection & Soil Conservation (Water Pollution, Drinking Water, Soil & Water and Regional Offices)

Scott Totten, Dir.

Michael Warrick, Dep. Dir.

The Director of WPCP position has not been filled.

Outreach & Assistance Center (TAP, Historic Preservation, Energy, Urban Outreach Offices,  
Public Information & Special Events)  
Sarah Parker, Dir.

### Watershed Conference

The second annual Watershed Conference that was supposed to occur this fall has been postponed. It is now named the Governor's Watershed Conference and will be held in spring of 2002. MSD is spearheading the conference.

A new department task force is working on data management and working toward getting information on the web in a GIS format. Joe Engeln is chairing the group and John Hoke, from the TMDL program, is on the committee. DNR has many systems in different programs and often these systems can't talk to each other. The department wants everything to be in the same platform (like DB2). They are planning to work initially with 3 projects:

- Air
- Historic preservation
- TMDLs.

Becky Shannon announced they hope to get Elk River grants awarded by 9/19/01.

### Sub-Committee Reports

#### Data & Modeling Sub-Committee 9/19/2001

Participants:

Mohsen Dkhili – DNR  
Verel Benson – FAPRI  
Miya Barr – USGS  
Emitt Witt – USGS  
Trent Stober – MCC

Discussion:

The discussion revolved around Fecal Coliform modeling in Shoal Creek. Shoal creek is on the 303(d) list for bacteria impairment. Its TMDL is scheduled for 2003. Verel presented the early modeling process undertaken by FAPRI. He showed the members a copy of a report that will be distributed to the focus group.

Trent asked if using a base flow would be sufficient to model FC since the impairment affects swimming (whole body contact), an activity that takes place outside storm events. The answer was that using base flow would not account for part or all of FC coming from non-point sources (such as manure land applications, pasture, etc).

The members discussed the sources of FC and what contribution each of the sources has. This information will be estimated from livestock, poultry, and wildlife units in each sub-basin. DNR staff started compiling available data taken in the watershed. For bacteria, there are presently six USGS monitoring sites (1999-2000) and one Crowder College site (1992-2000). The UMC (Jack Jones) has some bacteria data. The task is to determine data needs and if necessary, develop a sampling plan for all relevant parameters – stream flow, pH, temperature,

and nutrients. Other required data are landuse/landcover, land application of manure, weather data, number of animals, number of population, and number of sewage treatment plants in the watershed.

Action plan:

Next meeting will take place at the same time and place as the water quality coordinating committee (WQCC) meeting.

Agenda:

Continue the discussion of Shoal Creek: modeling approach, data evaluation and needs, parameter sampling, sampling frequency.

If there is time, we will discuss Elk River watershed that comprises nine (9) 303(d) listed segments for nutrients. The impaired segments total over 125 miles of streams.

TMDL Permits Subcommittee 10/18/2001

Participants: Mike Duvall, Brad Willett, Kevin Perry, Dorris Bender, Mary West, Sharon Clifford

Concerns were expressed regarding how pollutant-trading policies would evolve in the water arena. Premise is that it would be based on the air pollutant-trading program that currently exists. Participants had concerns that if water pollutant trading procedures were to be established through rule making, there are some problems with the air pollutant trading program that should be addressed.

Discussed some of the alternatives that have been suggested to permittees to address TMDL issues (such as aerating discharge, land application of discharge, etc.). It was suggested if there were some types of incentive for using these alternatives, the regulated community would be more apt to install them and perhaps prevent some streams from becoming impaired.

Getting all permits in a basin on the same schedule for renewal could cause problems for municipalities that have multiple discharges in a basin. If all permits were done at once, including stormwater permits, and the city were required to do up-grades or otherwise change operations, it would be a financial hardship. Could also result in multiple bond issues trying to be passed all at once.

To reach permitted entities, particularly municipalities, more efficiently, the following organizations or conferences were suggested, the Missouri Municipal League, Missouri City Managers conference and the County Commissioner' meetings.

The group was comfortable with the approach currently being used by WPCP staff regarding permits in 303d waters. But concern was expressed that they only hear this information from TMDL staff. Administrative staff have not been attending the meetings recently. They would like to hear from DNR administration that they are aware of the approaches being used by staff and approve.

## Public Participation Subcommittee September 18, 2001

Participants: Mark Belwood, David Goggins, Priscilla Stotts, Gail Wilson and Anne Peery

### Handouts:

- Eli Mast's comments on the PP plan
- Revised Clear Creek Information Sheet (IS) to compare with "original" Clear Creek IS for incorporation of suggestions (if you do not have the original to compare, just ask).
- Former and present Public Notice announcements for committee review and comment.
- Schedules of TMDLs due in 2001-3.

### Discussion:

- Heartily agree with Eli's comments. Sharon has talked to Bill Wilson in the department's Soil and Water Conservation Program about how to go about talking to the districts about TMDLs. We plan to get on the agenda for the SWCD's annual meeting this fall to present accurate information on TMDLs. It was pointed out that right now (until Oct 5<sup>th</sup>) [this was later changed to Nov 1<sup>st</sup>] is everyone's chance to have input on the proposed 2002 303(d) list, including SWCDs.
- Went over the Clear Creek and PN handouts. Last spring, after reading the "former" PN announcement, a Stream Teamer commented that she still (after reading it several times) did not understand what it was talking about. So we rewrote it. What do you think?
- John Hoke (TMDL modeler) and Joe Engeln (Admin) are starting work on coordinating the databases in WPCP and making them available on the Internet. We are putting them in touch with Mark Belwood for input, as per his comments on public participation.
- Discussed the TMDL schedules. We have 4 final TMDLs (all for chlordane) at EPA right now that were not due this year. We did these ahead of schedule because so many of the ones for this year needed one more season of data. Given the uncertainties of the weather in relation to data collection, we wanted to have our bases covered. When approved, the chlordane TMDLs will bring the total number of waterbody segments approved by EPA to 24. The number required by the lawsuit is 22 by the end of this year. In addition, Whetstone and Muddy Creeks are listed specifically by name to be completed this year. Those will be completed on time. The rest on the list for this year should get done by the end of the year or soon thereafter.
- Tossed about who else should be notified about TMDLs on Public Notice. For these latest four, we sent the PN (via e-mail, if we had an address for them, or hard copy otherwise) to the Missouri Clean Water Commission, the Water Quality Coordinating Committee, the TMDL Policy Advisory Committee, Stream Team volunteers in the watershed, the appropriate legislators and others that routinely receive the public notice of NPDES permits. In addition, the division's Public Information section sent a press release to the appropriate area of the state. How do we make sure we reach the local area of the TMDL? County Commissioners? City Mayor or Manager in nearby cities? SWCD? DNR will look into it further.
- Interviews should start soon for a public information person WPCP can use to help with TMDLs. Hopefully that person will help with public meetings and brochures. [Done! Candy Schilling started Nov. 1<sup>st</sup>.]

### Actions:

- Anne will try to incorporate comments from the subcommittee into the PP plan and run a draft by you before the next meeting (which should be Nov 20), but may be too busy trying to get TMDLs out the door to do so. [Not done.]
- We are not planning a conference call in the interim because we do not have an agenda at this point. If anyone DOES have concerns or ideas to address before Nov. 20, please advise.

#### Drinking Water and TMDLs Sub-Committee

Participants:

Liz Grove  
 Dan Downing  
 Craig Reichert  
 Michael Heaton  
 Don Scott

The PAC Drinking Water Subcommittee met at 11:00 on the 18th to discuss the topics of concern. The subcommittee only looked at two of the topics during this meeting. These topics were:

1. Develop recommendations toward using source water protection plans as TMDL.

As in the first meeting we discussed using the EPA guidelines (when EPA examined the Vandalia Source Water Protection Plan and gave us direction in what is needed to make this a TMDL) as our template. Dan Downing agreed to work on this topic and have a rough draft available for comments at the next meeting. Once this draft is available we will seek comments from grant providers (AGNSP, 319, etc) to see if a source water protection plan could be used for or part of the application process.

Questions that need to be answered:

- The EPA comments explain that the waste load allocation or load allocation needs to be established. Can this be done by a watershed group? When a source water protection plan is being written, the planning section would have to be involved to give calculate the wasteload and load allocations.
- How is a priority ranking determined? Is this similar to the unified assessment ranking?
- Once a draft template is available, where does it need to go for approval in DNR and EPA?

2. Provide suggestions on how to educate drinking water community about TMDL issues.

Liz Grove asked about a speaker for the AWWA April Annual Meeting. She will place TMDL on the draft agenda and will find a speaker at a later date. I told her I could do it if no one else said they would. Craig Reichert explained that he would work on education topic. He will contact Darrell Osterhoudt and see if we could add a paragraph to the consumer confidence report explaining what a TMDL is. Craig will also contact TAP to talk with the environmental educator to seek advice on how to educate the drinking water community. Also talked about other organizations or groups that need to be informed about TMDL's.

Another topic discussed was the need to place a section in the Source Water Protection Plan about what will be done to protect the water supply in case of a emergency/spill that threatens the water supply.

Agriculture Sub-Committee

Did not meet due to a lack of participation and issues to discuss.